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ANDREA Q. RYAN
SANOFI-AVENTIS U.S. LLC
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MAIL CODE: D303A
BRIDGEWATER NJ 08807-0800

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Jordan et al.	:	DECISION ON REQUEST
Patent Number: 7,563,582	:	FOR RECONSIDERATION OF
Issue Date: 07/21/2009	:	PATENT TERM ADJUSTMENT
Application No. 09/989188	:	and
Filing or 371(c) Date: 11/21/2001	:	NOTICE OF INTENT TO ISSUE
Attorney Docket Number: DEAV2000A051USNP	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 21, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred seventy-seven (1177) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred seventy-seven (1177) days is **GRANTED to the extent indicated herein.**

As to the "B" delay, the period is 703 days, not 859 days. This period begins on the day³ after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a), November 22, 2004¹, and ends on March 22, 2007², the day before the Request for Continued Examination ("RCE") was filed, or 851 days, but not including the number of days beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31, and ending on the day before the RCE was filed, or 148 days. See, 35 U.S.C. 154(b)(1)(C)(iii). Thus, the "B" delay period is 703 (851 days – 148 days), not 859 days.

¹ Petitioner states that "the period of 'B' delay commences on November 21, 2004 ([the] three year anniversary of the filing date;" however, the period of "B" delay begins on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a). Petition at p.2.

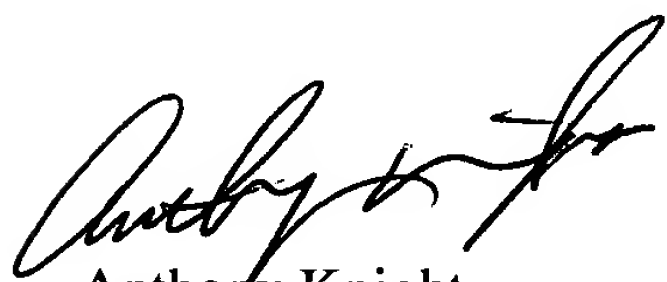
² Petitioner avers that the RCE was filed on March 30, 2007; however, Office records confirm that the RCE was filed on March 23, 2007.

opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand sixty-eight (**1068**) days.

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.



Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,563,582 B2

DATED : July 21, 2009

INVENTOR(S) : Jordan et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 510 days.

Delete the phrase "by 510 days" and insert – by 1068 days--